



General Assembly

**Substitute Bill No. 830**

January Session, 2011

\* \_\_\_\_SB00830PD\_\_\_\_041911\_\_\_\_ \*

**AN ACT PROHIBITING THE USE OF CERTAIN OUTDOOR WOOD-BURNING FURNACES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-174k of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) For purposes of this section, "residence" means any structure  
4 customarily used for human habitation. "Residence" does not include  
5 any structure or portion of any structure that is not customarily used  
6 for human habitation that is contiguous to a structure customarily  
7 used for habitation; and "outdoor wood-burning furnace" means an  
8 accessory structure or appliance designed to be located outside living  
9 space ordinarily used for human habitation and designed to transfer or  
10 provide heat, via liquid, hot air or other means, through the burning of  
11 wood or solid waste, for heating spaces other than where such  
12 structure or appliance is located, any other structure or appliance on  
13 the premises, or for heating domestic, swimming pool, hot tub or  
14 jacuzzi water. "Outdoor wood-burning furnace" does not include a fire  
15 pit, wood-fired barbecue or chiminea.

16 (b) No person shall, [from] on and after July 8, 2005, [to the effective  
17 date of regulations promulgated by the United States Environmental  
18 Protection Agency to regulate outdoor wood-burning furnaces,]  
19 construct, install, establish, modify, operate or use an outdoor wood-

20 burning furnace, unless (1) the outdoor wood-burning furnace was  
21 constructed, installed, established, modified, operated or in use prior  
22 to July 8, 2005, or (2) the outdoor wood-burning furnace complies with  
23 the following:

24 (A) [Installation of the] The chimney of the outdoor wood-burning  
25 furnace is not less than two hundred feet from the nearest exterior wall  
26 of an existing residence not serviced by the outdoor wood-burning  
27 furnace;

28 (B) Installation of the chimney of the outdoor wood-burning furnace  
29 is at a height that is more than the height of the existing roof peaks of  
30 the residences that are located within five hundred feet of the outdoor  
31 wood-burning furnace, which residences are not serviced by the  
32 outdoor wood-burning furnace, provided the chimney height is not  
33 more than fifty-five feet;

34 (C) No other materials are burned in the outdoor wood-burning  
35 furnace other than wood that has not been chemically treated or wood  
36 pellets; and

37 (D) Installation and operation of the outdoor wood-burning furnace  
38 is in accordance with the manufacturer's written instructions, provided  
39 such instructions do not conflict with the provisions of this section.

40 (c) On and after October 1, 2011, no person shall construct, install,  
41 establish, modify, operate or use an outdoor wood-burning furnace,  
42 unless such outdoor wood-burning furnace meets a Phase II emission  
43 standard with a particulate matter emission limit of 0.32 pounds per  
44 MMBtu heat output.

45 [(c)] (d) The provisions of this section shall be enforced by the  
46 Commissioner of Environmental Protection and may be enforced by  
47 the municipality affected by the operation or potential operation of an  
48 outdoor wood-burning furnace. Any municipality may regulate or  
49 institute a prohibition on the operation or use of outdoor wood-  
50 burning furnaces for the period beginning May fifteenth and ending

51 September fifteenth, or any period of time between such dates,  
 52 provided nothing in this subsection shall be construed to affect any  
 53 municipal ordinance or regulation concerning the operation or use of  
 54 outdoor wood-burning furnaces. Any local director of health also may  
 55 enforce the provisions of this section.

56 ~~[(d)]~~ (e) Any person who operates an outdoor wood-burning  
 57 furnace in violation of this section shall be deemed to have committed  
 58 [an infraction] a violation and shall be fined not more than [ninety]  
 59 two hundred fifty dollars for a first violation. Each subsequent day of  
 60 operation of such outdoor wood-burning furnace in violation of this  
 61 section following such first violation shall be a separate violation and  
 62 shall carry a fine of one hundred dollars for each such subsequent day.

63 (f) Nothing in this section shall be construed to prohibit the  
 64 replacement or modification of any outdoor wood-burning furnace to  
 65 meet a Phase II emission standard.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	22a-174k

**PD** Joint Favorable Subst.